

Notice of Allowability

Application No.

09/595,347

Applicant(s)

CHUAH ET AL

Examiner

Art Unit

Phuongchau Ba Nguyen

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE 1-21-05.
2. ☒ The allowed claim(s) is/are 36-47, 50; Renumbered as 1-13 respectively.
3. ☒ The drawings filed on 7-1-04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2-28-05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Lewis on 2-28-05.

3. The application has been amended as follows:

Abstract, line 20, "1200-179.APP" had been deleted.

Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 36-39, the prior art of the record fails to teach or suggest an apparatus comprising packet equipment configured to be responsive to a handoff notification associated with an existing wireless data associated with a point-to-point connection by "transmitting a message signal to a packet server, the message signal including a communication path set-up request and a continued call request for establishing, in accordance with a modified layer two tunneling protocol, a

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communication path with the packet server for the existing wireless data call," in combination with other limitations, as specified in the independent claim 36.

Regarding claims 40-44, the prior art of the record fails to teach or suggest an apparatus comprising packet equipment configured to permit an existing wireless point-to-point protocol connection with a first packet server to be transferred to a second packet server, the packet equipment initiating the transfer in response to a handoff notification associated with the existing point-to-point protocol connection, the equipment being further configured for "establishing a tunnel in accordance with a modified layer two tunnel protocol to the second packet server to convey packets from a source which previously conveyed packets over a tunnel established between the first packet server and the second packet server," in combination with other limitations, as specified in the independent claim 40.

Regarding claims 45-47, the prior art of the record fails to teach or suggest an apparatus comprising packet equipment associated with a first radius server and configured to be responsive to a handoff notification associated with an existing wireless data call of a point-to-point protocol connection by "transmitting a message signal to a packet equipment associated with a second radius server, the message signal including a continued call request for establishing, in accordance with a modified layer two tunneling protocol, a communication path between a first packet server operatively coupled to the first radius server and a second packet server operatively coupled to the second radius server," in combination with other limitations, as specified in the independent claim 45.

Regarding claim 50, the prior art of the record fails to teach or suggest a method for use in a packet server comprising the steps of receiving a handoff notification for a wireless call associated with a point-to-point protocol connection to a first packet server and "transmitting a message signal to a second packet server including a communication path setup request and a continued call request for establishing, in accordance with a modified layer two tunneling protocol, a communication path with the second packet server such that a tunnel," in combination with other limitations, as specified in the independent claim 50.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuongchau Ba Nguyen
Examiner
Art Unit 2665

DUCHO
PRIMARY EXAMINER



3-1-05